

REMARKS

Applicants appreciate Examiner Toledo's willingness to conduct a telephone interview with the undersigned attorney on August 12, 2003. The following paragraphs contain a summary of the substance of that interview.

In the Office Action of April 23, 2003, each of the independent claims (Claims 1, 18, 35, 55, 62, and 67) was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,509,283 to Thomas. During the telephone interview, the Examiner agreed that each of the following amendments to the independent claims would overcome the rejections based on Thomas.

First, it was agreed that independent Claim 35 would be allowable over Thomas if Applicants clarified the use of "exposure time" since that term is used in the claim in two different contexts. To remove the dual use of the term "exposure time," Applicants have amended Claim 35 to recite that the oxide film grows to a predetermined thickness at the end of the initial exposure time and that additional exposure to the plasma oxidation process beyond the initial exposure time does not result in a significant further increase in thickness of the oxide film. It was also agreed that the other independent claims would be allowable if an element similar to the last element in Claim 35 (after clarification) were added to those claims. In accordance with this agreement, Applicants have amended independent Claims 1, 18, 55, 62, and 67 to include an element similar to that contained in amended Claim 35. In view of these amendments, Applicants submit that each of the rejected independent claims (and their dependent claims) are now patentable over Thomas.

Second, as a separate ground of patentability, it was agreed that independent Claims 1, 18, 55, 62, and 67 would be allowable over Thomas if those claims were amended to specify that the plasma activity is regulated by regulating at least one of the following: reaction kinetics, growth initiation, and surface energy, which are present in the definition of "plasma activity" on page 6 of Applicants' specification. In accordance with this agreement, Applicants have added new Claims 72-112, which correspond to independent Claims 1, 18, 55, 62, and 67 and their dependent claims with the agreed-upon language added. In view of the agreement reached during the telephone interview, Applicants submit that new Claims 72-112 are patentable over Thomas.

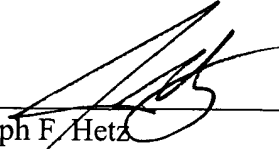
Lastly, as another ground of patentability, Applicants present Claims 113-153, which correspond to independent Claims 1, 18, 55, 62, and 67 and their dependent claims with the independent claims amended to specify that the plasma activity is regulated to limit a rate of formation *to a predetermined growth rate while a surface (or layer) is being exposed to the plasma*. During the telephone interview, the Examiner stated that Thomas inherently teaches regulating plasma to limit a rate of formation (the phrase that was in independent Claims 1, 18, 55, 62, and 67). The Examiner explained that the phrase "regulating plasma activity to limit a rate of formation" was broad enough to cover the situation in which plasma activity is "regulated" by turning the plasma generator off to end the exposure to plasma. With the generator turned off, the rate of formation would be "limited" to zero. Applicants respectfully submit that new Claims 113-153 are patentable over the situation in which the plasma generator is turned off because each of the independent claims in the group specifies that the regulation limits a rate of formation *while a surface (or layer) is being exposed to the plasma*. The Examiner also explained that the plasma in Thomas inherently has properties that limit the rate of formation to some unspecified growth rate since there could not be an unlimited rate of formation. To distinguish the claims from this interpretation, the independent claims state that the rate of formation is limited to a *predetermined* growth rate (as compared to an unspecified growth rate). As discussed during the telephone interview, there is no teaching in Thomas, expressly or inherently, of limiting rate of formation to a *predetermined* growth rate.

In view of the agreements reached during the telephone interview and the amendments made herein, Applicants respectfully submit that all claims pending in this application are in condition for allowance. Reconsideration is respectfully requested. It should be noted that the amendments made herein are being made to expedite the prosecution of the application and should not be interpreted an acquiescence by the Applicants to the correctness of the rejections.

If there are any questions concerning this Amendment, the Examiner is invited to contact the undersigned attorney at (312) 321-4719.

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Respectfully submitted,



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